

Minority Ethnic Matters Overview

*MEMO is produced by the **Scottish Council of Jewish Communities** in partnership with **BEMIS**.*

It provides an overview of information of interest to minority ethnic communities in Scotland, including parliamentary activity at Holyrood and Westminster, new publications, consultations, forthcoming conferences and news reports.

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Immigration and Asylum

Westminster Debate

Seasonal Agricultural Workers Scheme

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/halltext/81105h0004.htm#08110556000002>

Ministerial Statement

Migration Reform (Points-Based System)

Phil Woolas (Minister for Borders and Immigration): Throughout this year, the Government have been delivering the biggest shake-up of the immigration system for a generation. We are delivering a stronger border that maximises the use of new technology, a selective Australian-style points system to control migration and a clear expectation that newcomers earn the right to stay.

We have already made sweeping changes to our border protection, including checking fingerprints before we issue a visa, screening all travellers against watch-lists and introducing a single border force with police-like powers.

Immigration and Asylum Ministerial Statement (continued)

We are now going further. As the latest step in this reform programme, I am today laying the immigration rules that will:

implement one of the most important parts of the points-based system (PBS);

simplify the route for business visitors;

increase the minimum age for obtaining a marriage visa from 18 to 21;

close the little-used immigration route for retired persons of independent means to new entrants; and

support the roll out of identity cards for foreign nationals.

The PBS is part of a robust system of controls that is designed to prevent illegal migration and to welcome only those people that the country needs. We introduced the highly skilled tier of the new system in between February and June.

I am now introducing the tier for skilled workers with a job offer, the youth mobility scheme and the temporary workers route for people coming here for cultural, charitable, religious and similar reasons.

These changes will be complemented by new rules for business, entertainer and sports visitors, covering people who wish to come to the UK for short periods to conduct business, perform at a festival, or take part in a sporting event or tournament. These changes will simplify our existing provisions for business visitors, making it clear what they can and cannot do.

Separately, this Statement of Changes delivers our commitment to increase the minimum age for sponsorship of a spouse and for those coming to the UK on the basis of marriage from 18 to 21.

These rules also support the delivery of ID cards for foreign nationals, by allowing us to require migrants to supply photographs of a particular standard with their applications.

Finally, we are closing the retired persons of independent means route to new entrants, as announced in the Government's response to the consultation "The Path to Citizenship: Next Steps in Reforming The Immigration System". This takes forward our policy that newcomers should earn the right to stay here permanently.

Full details of the changes appear in the explanatory memorandum that I am laying with them today, but I will explain some of the key points here.

Points-based system—skilled workers

Tier 2 of the points-based system is for skilled workers who are coming to do a specific job. The job must be one that cannot be filled by a British worker or one from the European economic area. Tier 2 replaces the existing work permit system, including the provisions governing intra-company transfers and the employment of sportspeople, as well as the rules for Ministers of Religion.

The new rules will strengthen our control of the process.

All migrants will need a sponsor, who will need to have been licensed beforehand by the UK Border Agency. No one will get a licence unless we are satisfied that they are bona fide, honest and capable of complying with their duties, which include informing us if the migrant disappears, or does not turn up for the job.

In most cases, the sponsor will need to have advertised the job to UK workers before being able to bring in a migrant. This will not apply where the migrant is transferring from an overseas branch of the same company, or where the job is on the list of shortage occupations that we will publish shortly. That list will be drawn up following the advice that the Government have received from the independent Migration Advisory Committee.

Unless the job is in a shortage occupation, migrants will need to score a minimum number of points for a combination of their qualifications and prospective earnings in the UK before they will be able to come here. We will be able to adjust the points threshold to ensure that only the migrants we need are able to come.

Immigration and Asylum Ministerial Statement (continued)

Finally, there will be an English language requirement for most migrants under tier 2, to help their integration into society.

Youth mobility scheme

The Youth mobility scheme replaces a number of routes for young people coming here to work temporarily, of which the biggest is the working holidaymaker scheme.

It will allow young citizens of, initially, four countries (Australia, Canada, Japan and New Zealand) to come to the UK and work for two years. All these countries have their own schemes that allow young Britons to spend time in their countries. Their nationals pose a minimal immigration risk, and they meet the UK Border Agency's strict criteria for co-operating with us when we seek to return their citizens. If other countries meet our criteria and wish to join, they can be added at a later date.

Temporary workers

The route for temporary workers, known as tier 5 (temporary workers) allows certain people to come here and work temporarily to meet cultural, charitable, religious or international objectives.

As with tier 2, all applicants will need a licensed sponsor. They will also need to fall into one of five subcategories, covering creative and sporting workers, charity workers, religious workers, people coming on Government authorised exchange schemes and people coming here under various international treaties to which the UK is a party.

This is a temporary route. Therefore, anyone coming here under it will be restricted to either one or two years in the UK, depending on the subcategory under which they are coming. The only exception to this is for the private servants of diplomats, who will be allowed to stay for up to six years.

Fees

I have set the fee for tier 2 (skilled workers) at £205 for entry clearance and £400 for leave to remain. This is broadly in line with our previous fees before the PBS. They are set above the cost of providing the service, to reflect the enhanced benefits and entitlements this route brings to applicants.

I have set the fee for tier 5 temporary workers and youth mobility at £99 for entry clearance. Leave to remain applications in tier 5 (temporary workers) will cost £100. Again, these fees are set broadly in line with our previous fees before the PBS. The lower fees for tier 5 fees are set below the cost of providing the service, to support wider Government objectives to ensure we continue to attract migrants to the UK for cultural reasons.

Business, sport, entertainer and special visitors

To complement PBS, we are implementing the first part of our review of the visitor route. This is intended to remove the existing uncertainty about exactly what visitors coming to the UK on business can engage in without needing to apply under the PBS.

The rules do this by providing for the UK Border Agency to produce a list of "permitted activities" which business visitors may do, thus facilitating business activity in the UK and avoiding abuse of the visitor route by people who are really coming here to work.

I am also taking this opportunity to bring the existing concessions covering sportspeople coming to take part in one-off events or tournaments, or entertainers coming, for example, to perform at festivals, into the immigration rules. This simplifies the system by creating a clear boundary between the activities that a visitor may undertake and those for which permission is needed under the PBS. I am also bringing together, under a special visitor category, currently separate rules that have been introduced for specific types of visitor.

Increase in the marriage visa age from 18 to 21

This change follows the consultation we launched in December 2007 on reform of the spouse visa system. We gave careful consideration to the consultation responses and

Immigration and Asylum Ministerial Statement (continued)

the views expressed by the Home Affairs Select Committee in its report on domestic violence, forced marriage and honour-based violence before setting out our conclusions in July this year, including the commitment to increase the minimum age.

The change reflects our firm conviction that no one should be pressurised into sponsoring a marriage visa and that those who wish to sponsor a marriage partner from overseas should be encouraged to establish an independent adult life here first and to see that as an important way of helping their partner to integrate.

We believe it is important to protect young people from being forced into relationships they do not want at a time in their lives when they could be establishing a degree of independence as an adult through further education or through work.

Biometrics and photographs

We are changing the rule relating to the quality of photographs required with applications. This is in line with the standards set by the International Civil Aviation Organisation, and is necessary to allow the UK Border Agency to utilise facial recognition technology, to reduce the risk of identity fraud, to prevent immigration abuses and to improve the processing of applications.

Retired persons of independent means

We have made it clear that in the future there will be only three key routes to naturalisation as a British citizen: economic migrants, family members and refugees—those granted humanitarian protection. It is therefore important to pay close attention to all the different routes that have existed in the past and as part of the consultation “The Path to Citizenship: Next Steps in Reforming The Immigration System”, we asked whether the retired persons of independent means route should be abolished taking into account the requirements relating to entry under the route.

We recognise that those entering under the retired persons of independent means route are required to be self-sufficient. But, as was pointed out during the consultation, these people may not have enough disposable income to match the demands they may place on public services. In the light of this, and the limited numbers applying under this route, we believe it is right to no longer permit entry as a retired person of independent means. We will therefore amend the immigration rules to this effect by deleting paragraphs 263-65.

Conclusion

These changes are the latest steps in the Government’s bold and far-reaching reform of the immigration system, and will contribute to delivering the tough but humane immigration controls that the public demands.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081104/wmstext/81104m0002.htm#08110435000016>

Westminster Parliamentary Questions

Christopher Chope [230852]: To ask the Secretary of State for the Home Department what factors were considered by the Migrant Advisory Committee when making its recommendation that NVQ Level three qualified staff from outside the European Union in care homes should be paid a minimum of £8.50 per hour.

Reply from Phil Woolas: The methodology used by the Migration Advisory Committee, when making the recommendation that skilled senior care workers should be regarded as skilled only if they are paid at least £8.80 per hour, is fully set out in its September 2008 report “Skilled, Shortage, Sensible: The Recommended Shortage Occupation Lists for Scotland and the UK”. A copy has been placed in the House Library.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081103/text/81103w0007.htm#08110343000009>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Christopher Chope [230870]: To ask the Secretary of State for the Home Department what assessment she has made of the recommendation of the Migrant Advisory Committee that NVQ Level 3 qualified staff from outside the European Union in care homes should be paid a minimum of £8.50 per hour; and if she will make a statement.

Reply from Phil Woolas: The Migration Advisory Committee (MAC) was asked to provide independent, transparent and evidence-based advice to the Government on where skilled labour market shortages exist that can sensibly be filled by migration.

The Migration Advisory Committee (MAC) included senior care workers with a formal qualification at National Qualification Framework (NQF) level 3 in Scotland or Wales, or paid an hourly salary of at least £8.80 on their recommended shortage occupation list.

Government have given careful consideration to the report and advice, and will decide whether to accept their recommendations or not, before publishing our shortage occupation list ahead of the launch of tier 2 of the points-based system in November.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081103/text/81103w0007.htm#08110343000009>

Gordon Prentice [230086]: To ask the Secretary of State for the Home Department what estimate she has made of the number of spouses of each sex who entered the UK for settlement purposes in 2007 from (a) India, (b) Pakistan and (c) Bangladesh who did not have conversational English.

Reply from Phil Woolas: The number of visas issued for entry as a spouse for settlement purposes in 2007 at our posts in India, Pakistan and Bangladesh were as follows:

	<i>Number</i>
India	4,379
Pakistan	11,033
Bangladesh	2,644

These figures include a small number who qualified for Indefinite Leave to Enter (ILE), as follows:

	<i>Number</i>
India	44
Pakistan	16
Bangladesh	9

The remainder would have been admitted for an initial period of two years, at the end of which they may apply for Indefinite Leave to Remain (ILR).

Since 2 April 2007, anyone applying for ILE or ILR has had to show, among other things, that they have a sufficient knowledge of the English language and of Life in the UK. It is not possible to determine from our records how many of the above applicants who were granted (a) limited leave to enter, or (b) ILE before 2 April 2007, did not have conversational English.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081103/text/81103w0007.htm#08110343000011>

Immigration and Asylum Westminster Parliamentary Questions (continued)

James Clappison [225138]: To ask the Secretary of State for Work and Pensions how many national insurance number registrations have been granted to non-UK (a) EU and (b) non-EU citizens in each quarter since 2004.

Reply from Tony McNulty: The available information is in the following table:

<i>National insurance number registrations to adult overseas nationals entering the United Kingdom by quarter of registration and EU/Non-EU status</i>		
<i>Thousand</i>		
	<i>EU Nationals</i>	<i>Non- EU nationals</i>
2004		
January to March	37.68	77.96
April to June	31.93	60.66
July to September	40.82	53.55
October to December	53.43	56.05
2005		
January to March	71.37	66.94
April to June	80.93	68.91
July to September	95.43	75.81
October to December	90.53	68.09
2006		
January to March	107.64	75.15
April to June	77.39	56.38
July to September	91.04	60.37
October to December	98.64	65.94
2007		
January to March	153.18	102.44
April to June	99.41	66.63
July to September	121.38	68.46
October to December	108.29	76.67
2008		
January to March	110.83	80.93

Notes: 1. Figures are rounded to the nearest 10 and displayed in thousands. 2. There are a small number of registrations where citizens' nationalities are unknown, these are not included. 3. Registration date is derived from the date at which a national insurance number is entered on the National Insurance Recording System. 4. When presenting the EU time series, countries which joined the EU during the time series have been included in the EU for the whole of the time series, to facilitate comparisons over time. 5. The EU time series excludes national insurance numbers registered to UK nationals. 6. The figures do not include any national insurance numbers that may have been issued to young foreign nationals under Her Majesty's Revenue and Customs juvenile registration scheme. *Source:* 100 per cent. extract from National Insurance Recording System This information is taken from a table published on the DWP website at: http://83.244.183.180/mgw/final/final/qtr/world/a_stock_r_qtr_c_world_apr08.html

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081103/text/81103w0001.htm#08110337000016>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Alistair Carmichael [232944]: To ask the Secretary of State for Scotland with reference to the announcement by his Department of 23 October 2008 on a pilot of an alternative to detention for children at Dungavel, when he expects the pilot to be operational.

Reply from Ann McKechnie: I expect the Glasgow Alternatives to Detention pilot to be operational in early 2009. The exact date for commencement of the pilot will depend on the outcomes of ongoing discussions with our partners.

We are keen to minimise the detention of children where possible, and deal with the return of families in an appropriate and sensitive manner. The procedure will empower the families to make informed decisions on a return home through voluntary departure, and hopefully reduce the need for the enforced removals.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0001.htm#08110558000015>

Alistair Carmichael [232950]: To ask the Secretary of State for Scotland how long the trial for the pilot of an alternative to detention for children at Dungavel will last.

Reply from Ann McKechnie: The Glasgow Alternatives to Detention pilot is expected to last 18 months, although this will be kept under review once the pilot is operational.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0001.htm#08110558000015>

Daniel Kawczynski [227833]: To ask the Secretary of State for Foreign and Commonwealth Affairs what his policy is on whether Commonwealth states whose subjects frequently request asylum in the UK on grounds of political persecution should be suspended from the Commonwealth.

Reply from Gillian Merron: The Commonwealth Ministerial Action Group (CMAG) deals with member countries that are judged to have violated the Harare Declaration, which lays down the Commonwealth's fundamental political values. CMAG assesses the nature of any infringement and recommends measures for collective Commonwealth action. CMAG can recommend suspension from the Councils of the Commonwealth as one of those measures, though this has not historically occurred as a result of asylum claims relating to a member of the Commonwealth.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0006.htm#08110558000061>

Daniel Kawczynski [227835]: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions UK diplomats have had with the governments of Commonwealth countries on claims for asylum on political grounds by people from those countries.

Reply from Gillian Merron: We have regular discussions with Commonwealth countries about a range of issues, including human rights, which can have an impact on asylum claims. Individual asylum cases are dealt with on a case by case basis, and in confidence. We do not discuss them with other governments. All asylum seekers are treated the same regardless of which country they come from. The key concern in all cases is the risk to the individual on return to their home country.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0006.htm#08110558000061>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Evan Harris [230824]: To ask the Secretary of State for the Home Department for what reasons luncheon vouchers are used to support asylum seekers on Section 4 support; and if she will make a statement.

Reply from Phil Woolas: Failed asylum seekers who are eligible for support to avoid destitution under section 4 of the Immigration and Asylum Act 1999 are provided with accommodation and vouchers for food and other basic essential items. The Act prohibits the provision of cash subsistence. Luncheon vouchers are just one of the forms of voucher provided.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0028.htm#08110582000005>

Damian Green [231580]: To ask the Secretary of State for the Home Department how many legacy asylum cases she expects to have been determined by 31 December 2008.

Reply from Phil Woolas: Lin Homer updates the Home Affairs Select Committee on the progress of concluding legacy cases every six months, with the next update due around the end of 2008. The Case Resolution Directorate has concluded over 100,000 cases and remains on track to complete this work by summer 2011. Every case is decided on its own merits.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0028.htm#08110582000005>

Dominic Grieve [231632]: To ask the Secretary of State for the Home Department how many of the people subject to a control order the Government have attempted to deport.

Reply from Jacqui Smith: We have considered deportation for all foreign nationals currently subject to a control order.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0029.htm#08110582000013>

Jo Swinson [232798]: To ask the Secretary of State for the Home Department how many and what proportion of families held at Dungavel Detention Centre will be included in the pilot scheme to relocate those held at Dungavel to housing outside the centre.

Reply from Phil Woolas: The UK Border Agency is working with Glasgow city council, the Scottish Refugee Council, the Scottish Executive and other partners to develop an alternative to detention pilot for families in Scotland. The pilot has not yet started but the planning process is at an advanced stage and engagement with the wider external stakeholders community is currently taking place. The pilot will build up over time to allow us to learn and explore alternatives to detention and, I hope, therefore reduce the need for the enforced removals and detention of families by assisting them to make arrangements for voluntary departure. It is intended that the pilot will be up and running in early 2009.

Not all families will go through the pilot. But if it is successful in that more families that are here illegally leave the UK without the need to detain them, the Government will consider expanding the pilot further.

For families that are here illegally and refuse to consider the current options for leaving the UK under their own steam we have no option but to retain the ability to enforce their departure if they choose to defy our laws and the decisions of our independent courts.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0029.htm#08110582000017>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Frank Field [232408]: To ask the Secretary of State for the Home Department how many foreign nationals were removed from the UK after they had been admitted to the country in each of the last 10 years.

Reply from Phil Woolas: The following table shows the number of cases removed or departed voluntarily from the UK between 1998 and 2007. These figures include persons departing voluntarily after enforcement action had been initiated against them and since January 1999 persons leaving under assisted voluntary return programmes run by the International Organisation for Migration. These figures exclude non-asylum cases refused entry at port and subsequently removed (including cases dealt with at juxtaposed controls).

Further National Statistics on removals from the UK are available from the Library of the House and Table 6.1 of the Control of Immigration: Statistics United Kingdom 2007 bulletin <http://www.homeoffice.gov.uk/rds/pdfs08/hosb1108.pdf>.

Enforced removals and voluntary departures from the UK^{(1),(2),(3)}, 1998 to 2007⁽⁴⁾

	<i>Number</i>
1998	10,860
1999	11,345
2000	13,815
2001	16,940
2002	22,000
2003	29,255
2004	24,990
2005	28,410
2006	31,970
2007 ⁽⁵⁾	32,220

⁽¹⁾ Includes enforced removals, persons departing voluntarily after enforcement action had been initiated against them, since January 1999 persons leaving under assisted voluntary return programmes run by the International Organisation for Migration and since January 2005 persons who it has been established have left the UK without informing the immigration authorities.

⁽²⁾ Due to a reclassification of removal categories, figures include asylum removals which have been performed by Enforcement Officers using port powers of removal and a small number of asylum cases dealt with at juxtaposed controls.

⁽³⁾ Excludes non-asylum cases refused entry at port and subsequently removed from the UK (including non-asylum cases dealt with at juxtaposed controls).

⁽⁴⁾ Figures are rounded to the nearest five.

⁽⁵⁾ Provisional figures.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0029.htm#08110582000013>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Keith Vaz [231727]: To ask the Secretary of State for the Home Department what recent discussions she has had with the French government on camps for illegal immigrants.

Reply from Phil Woolas: On 30 September my right hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne) met with Brice Hortefeux in Paris and discussed the problem of illegal migration in Northern France. They welcomed progress on strengthening border security, deterring irregular migrants from coming to the area and agreed to increase efforts to reduce the numbers of irregular migrants in the area. They restated their shared opposition to a permanent humanitarian centre. The UK looks forward to further cooperation with France on joint returns and information campaigns in countries of source and origin to deter migrants from remaining in Northern France.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000023>

Keith Vaz [231728]: To ask the Secretary of State for the Home Department how many illegal immigrants were stopped trying to enter the UK through the Channel tunnel in (a) 2007 and (b) 1997.

Reply from Phil Woolas: Locally-collated management information shows that in 2007, the UK Border Agency prevented 2,974 illegal attempts to enter the UK through the channel tunnel. The UK Border Agency does not hold the relevant reliable statistical information for the period 1997. The following table shows that since the end of 2001, there has been a 672 per cent. increase in the detection of illegal attempts to enter the UK through the channel tunnel.

<i>Illegal attempts detected at ports serving the channel tunnel</i>	
	<i>Number</i>
2001	⁽¹⁾ 385
2002	963
2003	3,396
2004	2,969
2005	2,427
2006	2,160
2007	2,974
⁽¹⁾ Coquelles only	

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000023>

Keith Vaz [231729]: To ask the Secretary of State for the Home Department what estimate she has made of the number of (a) immigrant camps in operation on the French coast for people seeking to enter the UK, (b) people in such camps and (c) children in such camps.

Reply from Phil Woolas: There are no permanent camps in the Calais area since the closure of Sangatte in 2002. The French police regularly intervene to disrupt areas with high numbers of migrants or where such areas threaten to become durable. The number of people sleeping rough in Northern France is believed to vary greatly and are difficult to estimate. However between January and September 2006 there was an 88 per cent. fall in the number of clandestine entrants arriving in Kent compared to the same period in 2002. On the question of children, the French have in place specific procedures for protecting children, and provide particular support to children via their equivalent local authorities in the area.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000023>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Keith Vaz [231731]: To ask the Secretary of State for the Home Department what the UK's responsibilities are under the European Pact on Immigration and Asylum agreed at the recent meeting of the European Council.

Reply from Phil Woolas: The Migration Pact is a political statement which reaffirms priorities on immigration and asylum for the EU and member states. It contains statements of principle to which EU member states collectively should have regard in EU policy-making, such as a political commitment to avoid mass regularisation. We welcome the messages on returns, strong borders and combating illegal immigration. We also welcome the emphasis on legal migration that meets the needs of our countries.

The pact is not a legislative text and subsequent proposals for legislation on immigration and asylum resulting from the pact will be subject to the UK's Opt In Protocol.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000025>

Keith Vaz [231732]: To ask the Secretary of State for the Home Department what provisions exist in the European Pact on Immigration and Asylum to help share the burden of immigration more fairly amongst member states.

Reply from Phil Woolas: The Migration Pact promotes a number of ways to help show solidarity in dealing with immigration and asylum, including cooperation between member states in controlling illegal immigration. The pact also includes the possibility of continuing arrangements for intra EU relocation of recognised refugees for those member states which are faced with specific and disproportionate pressures on their national asylum systems. Any intra EU relocation of refugees will be on a voluntary basis. The EU Solidarity Mechanism funds will continue to support any burden sharing.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000025>

Keith Vaz [231733]: To ask the Secretary of State for the Home Department what the timetable is for developing a common asylum and immigration policy as a result of the European Pact on Immigration and Asylum; and if she will make a statement.

Reply from Phil Woolas: The Migration Pact itself does not lay down a timetable for a common European asylum and immigration policy, but sets out a series of commitments for member states and the EU as a whole.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000025>

Keith Vaz [231734]: To ask the Secretary of State for the Home Department what recent discussions have taken place with other EU member states on the proposed blue card immigration system and its potential effect on the UK.

Reply from Phil Woolas: The blue card directive was discussed, without agreement, at the JHA Council on 25 September. On 22 October the directive was agreed at the COREPER ambassadors meeting and political agreement is likely to be reached at the November JHA Council.

Given that we have decided not to opt into the directive, any movement rights between member states obtained by a third country national through it would not apply to the UK.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000025>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Keith Vaz [231735]: To ask the Secretary of State for the Home Department whether the proposed Europe-wide blue card immigration system would supersede existing immigration controls, with particular reference to the points-based immigration system; and if she will make a statement.

Reply from Phil Woolas: The UK is introducing its points based system as a fundamental part of delivering our improved immigration system. We have concluded that the blue card directive is not as flexible as the PBS. The UK decided not to opt in to the directive. For further details on the blue card I refer the right hon. Member to the Explanatory Memorandum deposited on 11 July 2008.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000025>

Damian Green [231587]: To ask the Secretary of State for the Home Department what estimate she has made of the number of students at universities required to pay full fees because of changes to the immigration status of their parents as a result of amendments to the Highly Skilled Migrants Programme.

Reply from Phil Woolas: Dependants of highly skilled migrants are required to pay full student fees up until the point at which they obtain indefinite leave to remain in the UK.

The November 2006 amendments to the Highly Skilled Migrant Programme, taken in conjunction with the remedies applied as a result of the successful Judicial Review, did not affect the qualifying period for indefinite leave to remain in the UK so therefore did not affect the number of dependants required to pay full fees at UK universities.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0030.htm#08110582000022>

James Brokenshire [232892]: To ask the Secretary of State for the Home Department how many trafficked children have been identified following police raids on illegal cannabis factories in each of the last five years.

Reply from Alan Campbell: No central records are kept on juvenile offenders who may have been victims of trafficking. It is not therefore possible to give a reliable figure. However, I am aware that concerns have been raised by a number of children's charities about the arrest of children found in cannabis factories in the UK.

Guidance was issued in 2007 by the Association of Chief Police Officers (ACPO) lead on child trafficking to all chief constables requesting that children found working in cannabis factories and other such illegal and criminal activity should be properly screened to identify whether they are child victims of trafficking.

Crown Prosecution Service (CPS) guidance to crown prosecutors advises that where children are known to have been trafficked and coerced to commit criminal acts, cases should be discontinued on evidential grounds. Where the information concerning coercion is less certain, further details should be sought from the police and youth offender teams so that the public interest in continuing a prosecution can be considered carefully.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081106/text/81106w0002.htm#08110641000027>

Immigration and Asylum Westminster Parliamentary Questions (continued)

Frank Field [233939]: To ask the Secretary of State for Justice when his Department's guidance relating to the Criminal Justice and Immigration Act 2008 will be published.

Reply from Jack Straw: The provisions of the Criminal Justice and Immigration Act are being brought into force in stages. Of the 146 substantive sections, 64 (44 per cent.) are wholly, or partly, in force. The Ministry of Justice has issued two circulars providing guidance on a number of the provisions of the Act which have been commenced, these are available at:

<http://www.justice.gov.uk/publications/criminal-justice-bill.htm>

Prison Service instructions have also been issued on specific provisions, where appropriate. Further guidance will be issued, as necessary, as further provisions are commenced over the coming months.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081106/text/81106w0027.htm#08110658000054>

Celia Barlow [233480]: What assessment she has made of the effect of Operation Pentameter 2 on numbers of prosecutions for human trafficking offences brought by the Crown Prosecution Service.

Reply from the Solicitor-General: The prosecutions produced by Operation Pentameter are still at different stages in the criminal justice system. An overall assessment is being undertaken by the UK Human Trafficking Centre and the Association of Chief Police Officers, and that will address the impact on the number of prosecutions that have come from Operation Pentameter 2.

My hon. Friend may have seen that earlier this week, on 3 November, six traffickers were successfully prosecuted for their treatment of a young Slovakian woman who was raped and made to work in brothels all over the east midlands. Of the six convicted, one was given a 14-year sentence, three received 11-year sentences, one got a three-year sentence and the other a two-and-a-half year sentence. The judge referred to their offences as "despicable", and we agree.

Celia Barlow: I congratulate my hon. and learned Friend on those successful prosecutions. We must consider the victims of trafficking, and Citylight is an organisation that has been set up in Hove and Portslade, in my constituency, to offer welfare support to female victims. It has been set up in conjunction with Sussex police as part of Operation Pentameter 2. Will she tell me what plans she has to support such organisations in their fight against sex trafficking?

Reply from the Solicitor-General: I am pleased to hear about Citylight and its close work with Sussex police and the prosecuting authorities on Pentameter 2. We engage with such organisations in two ways: first, by providing welfare support and accommodation for victims. We decided recently that the reflection period to which victims are entitled, which is required to be only 30 days, will be 45 days. The POPPY project is the main source of that welfare support, but it has now contracted out some of that work to other third sector organisations. Secondly, a stakeholder group of third sector and voluntary groups has direct input into the inter-ministerial group on human trafficking, which means that organisations such as Citylight can have a say on policy development and our trafficking strategy.

Anthony Steen: Five hundred and twenty-eight criminals were arrested under Pentameter 2. Why were there so few prosecutions?

Reply from the Solicitor-General: I am not sure why the hon. Gentleman thinks that there have been so few prosecutions. Many prosecutions are ongoing, so it is too soon to reckon the final figure for Pentameter 2, but up to September 2008 we had prosecuted 125 people for sexual exploitation trafficking and five for non-sexual exploitation trafficking-related offences. Of course, we prosecute people for

Immigration and Asylum Westminster Parliamentary Questions (continued)

inciting prostitution for gain, money laundering, rape, kidnapping and false imprisonment, as well as for specific trafficking offences. As he knows—he takes a great interest in this matter—those prosecutions and convictions do not show on the trafficking statistics.

Barry Sheerman: Is my hon. and learned Friend aware that only this week the Fawcett Society hosted a meeting in this House at which it was alleged that 40,000 enslaved and trafficked women are currently residing in the United Kingdom? I was astonished by that figure. Does she have a way of checking its accuracy? Will she talk to the Fawcett Society about the evidence given at that meeting?

Reply from the Solicitor-General: I cannot comment on that specific point. Figures have been bandied about by various campaigns—by “bandied”, I do not mean that they are calculated irresponsibly, but that some uncertain ways of counting are used. I was at that meeting and I talk to the Fawcett Society all the time.

Jonathan Djanogly: The scale of the problem of human trafficking is alarming: in the past year alone, some 4,000 women have been the miserable victims of trafficking in the UK. Do we not need to go further than one-off police investigations and operations by adopting an integrated approach, including ratifying the European convention on human trafficking and introducing a proper unified border police force?

Reply from the Solicitor-General: The hon. Gentleman knows perfectly well that these are not one-off policing events but opportunities to galvanise what we have learned. Pentameter 2 is significantly better than Pentameter 1, but the process is ongoing. We are improving not only our intelligence on trafficking, but our mechanisms for, among other things, the early identification and treatment of victims. Through Pentameter and other such programmes, we are making those improvements. Again, as he knows, we will ratify the convention in December and implement it three months later.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081106/debtext/81106-0003.htm#08110631000029>

Lord Teverson: My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare an interest, in that my wife's daughter is married to a non-British citizen.

The Question was as follows: To ask Her Majesty's Government what steps they are taking to ensure that bona fide spouses and civil partners of British citizens can join and reside with their families in the United Kingdom without hindrance.

Reply from Lord Brett: My Lords, the Government are committed to a policy of supporting managed legal migration to the UK, from which our economy and society derive great benefits. For those seeking to settle in the UK as spouses, it is important that we have provisions to enable us to differentiate between genuine and failed or sham relationships. The Immigration Rules facilitate the entry of those in genuine relationships, while preventing abuse.

Lord Teverson: My Lords, I thank the Minister for that reply. I know he takes a great interest in this area. However, can he assure me that the only test that is relevant to a British citizen being able to live with their non-British husband or wife in the UK is that the marriage is real? That should surely be the only test. Should not the state avoid getting involved in anything beyond that?

Reply from Lord Brett: My Lords, my interest in this subject is enhanced by the Question, and other questions of this sort. The test the noble Lord mentions is important but it is not the only test. A number of rules are required to be followed

Immigration and Asylum Westminster Parliamentary Questions (continued)

as regards migration of spouses or others. We have a two-year probationary period to ensure that a distinction is made between genuine and potentially sham relationships. We have a requirement as regards seeking and achieving proficiency in the English language and a requirement that spouses entering from abroad will be supported for two years without being a burden on the state. These are important parts of our migration policy and of our ability to sustain and support the relationships of which the noble Lord speaks.

To continue reading the extended question and answer session see
<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81105-0001.htm#08110555000003>

Ministerial Speech

"Making Identity Cards a Reality": speech by the Home Secretary to the Social Market Foundation

http://www.ips.gov.uk/identity/downloads/Transcript_of_Home_Secretary_Speech_061108.pdf

Press Releases

New business and special visitor rules published today and going live on 27 November 2008

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/newbusinessandspecial>

Marriage visa age to rise later this month

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/marriagevisaagetorise>

Home Secretary sets out progress on the National Identity Scheme

<http://www.ips.gov.uk/identity/press-2008-11-06.asp>

New rules on the way for immigrants and employers

<http://www.homeoffice.gov.uk/about-us/news/new-rules-on-the-way>

Illegal immigrants at work: MEPs back fines for employers

http://www.europarl.europa.eu/news/public/story_page/018-41207-308-11-45-902-20081103STO41194-2008-03-11-2008/default_en.htm

Here for some time

<http://www.guardian.co.uk/society/2008/nov/07/detainee-centre-photographs>

News

Foreign students fingerprint fear

<http://news.bbc.co.uk/1/hi/education/7708990.stm>

New points system 'barrier to migrants'

<http://www.guardian.co.uk/uk/2008/nov/05/skilled-migrants-points-based-system>

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Race Relations

News

Interfaith unity urged on campus

<http://news.bbc.co.uk/1/hi/education/7705413.stm>

We need to be colour blind over social needs

<http://www.yorkshirepost.co.uk/opinion/Sayeeda-Warsi-We-need-to.4671532.jp>

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Equality

Holyrood Parliamentary Question

George Foulkes (S3W-17097): To ask the Scottish Executive what progress has been made in widening the basis of judicial appointments to include more women and people from ethnic minority groups since May 2007.

Reply from Kenny MacAskill: Since May 2007, five Senators of the College of Justice have been appointed, of whom one has been female. Seven sheriffs have been appointed in the same period, of whom two have been female. Information on the ethnic composition of recent judicial appointments is not held centrally.

Also since May 2007, the Judiciary and Courts (Scotland) Act 2008 has been passed by the Scottish Parliament. Under Section 9 and Schedule 1 of the act, the Judicial Appointments Board for Scotland (JABS) will be established as an advisory body not subject to the direction of ministers.

JABS will recommend individuals for judicial appointment solely on the basis of merit and will provide advice to ministers in connection with such appointments. JABS will initially comprise members of the existing JABS, which is an advisory administrative body established under the chairmanship of Sir Neil McIntosh in 2002. The existing JABS was created to provide more open and accessible arrangements for judicial appointments in Scotland.

In its consideration since May 2007 of women and people from minority ethnic groups appointed to judicial office, the existing JABS has established a Diversity working group, with membership including representatives from the Law Society of Scotland and the Faculty of Advocates. For these purposes, diversity includes consideration of women and people from minority ethnic groups. The working group's remit included the identification of whether the diversity of the legal profession in Scotland is reflected in the diversity of applicants for judicial office. The working group identified a need for evidence on the current make-up of the eligible population for judicial appointments (and how this might change in the next few years), as well as a need to identify whether there are any actual or perceived barriers which could be inhibiting eligible candidates from applying for judicial office.

All selection processes will continue to be based solely on merit.

<http://www.scottish.parliament.uk/business/pqa/wa-08/wa1106.htm>

Westminster Parliamentary Questions

Lord Ouseley asked Her Majesty's Government [HL5481]: Whether they intend to revise the targets for ethnic minority recruits to the police service in England and Wales; if so, why; if not, what has been achieved by the existing targets; and what difference they have made.

Reply from Lord West of Spithead: The police service has made substantial progress over the past nine years in increasing the proportion of minority ethnic officers and staff in its workforce. Currently, minority ethnic officers and staff together represent 5.6 per cent of the service.

The increase of minority ethnic officers to 4.1 per cent of warranted officers represents a doubling in representation since 1999. However, despite this progress, the service recognises that there is a lot more to do to achieve a truly representative service which is reflective of the communities it serves.

The policing Green Paper: Cm 7448 "From the Neighbourhood to National: Policing Our Communities Together" http://police.homeoffice.gov.uk/publications/policereform/Policing_Green.pdf, sets out a shift in the Government's approach to targets, setting out performance management generally. In future, there will be a single top-down numerical target for forces relating to public confidence. The emphasis will be on national support with greater local responsibility.

The Green Paper also sets out proposals to develop an equality, diversity and human rights strategy. The strategy will include local setting of equality standards. The aim of these standards, which are currently being developed by the National Policing Improvement Agency, will be to assist the service to continue to improve performance and mainstream activity on equality and diversity. The standards will be set within a framework which will support authorities and forces in setting equality standards locally with national oversight retained through a new, more robust HMIC inspection regime including a proposed 2010 workforce inspection which will scrutinise (among other issues) the equality standards.

The Government are currently consulting on whether the equality standards should include local employment targets such as for race and gender. This shift from national target-setting will provide for targets being agreed locally by police authorities in consultation with communities. This local approach would provide more local ownership and help reflect the needs of local diverse communities.

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81103w0005.htm#08110336000025>

Chris Huhne [227461]: To ask the Secretary of State for the Home Department how many and what percentage of police officers at the rank of (a) constable, (b) sergeant, (c) inspector, (d) chief inspector, (e) superintendent, (f) chief superintendent and (g) Association of Chief Police Officer ranks were from an ethnic minority background in each year since 1997, broken down by police force.

Reply from Jacqui Smith: The available data is given in the tables placed in the House Library.

The requested data are also published as part of the annual Police Service Strength England and Wales Statistical Bulletin. The 2008 bulletin can be found at:

<http://www.homeoffice.gov.uk/rds/policeorg1.html>

and previous years' bulletins are available in the House of Commons Library. The annual Home Secretary's Race Employment Targets report may also be of interest in relation to the question asked:

<http://www.homeoffice.gov.uk/documents/race-equality-targets-2006-07>

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0031.htm#08110582000033>

Equality Westminster Parliamentary Questions (continued)

Chris Huhne: To ask the Secretary of State for the Home Department how many and what percentage of police officers recruited into each force in each year since 1997 were from an ethnic minority background. [227463]

Reply from Jacqui Smith: The available data are given in the following table.

<i>Police officer minority ethnic recruits⁽¹⁾ to police forces from 2002-03 to 2007-08⁽²⁾ (FTE)⁽³⁾ and recruits as percentage of total strength</i>												
	<i>Minority ethnic recruits</i>						<i>ME recruits as percentage of total recruits</i>					
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
Avon and Somerset	2	4	2	4	1	1	5	2	2	3	1	1
Bedfordshire	4	5	12	9	0	10	4	3	11	17	0	13
Cambridgeshire	5	6	6	1	0	0	7	6	6	1	0	0
Cheshire	1	6	0	3	2	0	1	4	0	3	2	0
Cleveland	1	2	2	6	0	0	1	1	2	5	0	0
Cumbria	0	4	1	0	1	1	0	4	2	0	2	2
Derbyshire	6	1	1	3	6	6	4	1	2	5	7	5
Devon and Cornwall	2	2	1	1	0	2	1	2	1	0	0	2
Dorset	1	1	0	0	1	0	1	1	0	0	2	0
Durham	0	4	1	1	0	0	0	4	1	1	0	0
Dyfed-Powys	1	0	0	1	2	0	14	0	0	2	4	0
Essex	0	3	7	7	9	10	0	1	3	3	3	4
Gloucestershire	0	3	2	1	1	0	0	3	3	1	1	0
Greater Manchester	2	41	32	11	13	22	2	4	14	4	4	5
Gwent	1	2	0	2	4	0	2	3	0	3	6	0
Hampshire	6	7	5	13	9	4	2	2	2	5	4	2
Hertfordshire	7	14	5	8	6	11	3	5	3	5	3	10
Humberside	1	4	0	0	1	0	2	2	0	0	1	0
Kent	2	4	8	6	8	23	1	1	4	3	3	15
Lancashire	14	15	6	5	11	10	6	5	4	3	7	5
Leicestershire	6	18	6	9	17	13	5	7	5	9	20	13
Lincolnshire	1	1	2	2	0	0	2	2	3	4	0	0
London, City of	4	7	8	3	1	0	9	13	21	7	3	0
Merseyside	3	7	10	7	19	5	3	4	3	4	6	3
Metropolitan Police	305	500	252	166	215	193	13	17	13	16	17	20
Norfolk	2	0	0	0	1	1	3	0	0	0	2	2
Northamptonshire	2	7	6	1	3	5	4	7	6	1	4	6
Northumbria	6	1	2	5	2	1	4	1	1	4	2	1
North Wales	0	0	1	0	1	2	0	0	1	0	2	5
North Yorkshire	2	2	0	0	1	0	2	2	0	0	1	—
Nottinghamshire	6	7	5	2	1	3	7	5	4	4	2	6
South Wales	4	3	3	5	7	2	2	2	3	4	6	4
South Yorkshire	3	9	5	5	7	4	3	3	2	3	4	4

Equality Westminster Parliamentary Questions (continued)

Staffordshire	0	2	3	3	1	4	0	2	3	4	1	10
Suffolk	1	3	0	3	2	1	1	3	0	7	3	7
Surrey	8	3	1	7	19	12	9	3	1	6	12	10
Sussex	0	4	6	7	2	2	0	1	3	3	1	1
Thames Valley	9	20	14	15	12	17	3	4	4	4	5	7
Warwickshire	4	1	5	10	3	0	7	2	8	14	5	—
West Mercia	1	2	2	1	2	1	0	2	2	1	2	1
West Midlands	48	49	43	54	35	45	10	12	9	12	8	9
West Yorkshire	12	16	35	8	15	18	4	5	6	5	6	5
Wiltshire	2	5	2	1	0	1	3	4	3	2	0	2
Total	485	795	502	396	441	430	6.5	7.8	6.2	6.1	6.8	7.8

⁽¹⁾ Recruits included those officers joining as police standard direct recruits and those who were previously special constables. This excludes police officers on transfers from other forces and those rejoining.

⁽²⁾ Financial year runs 1 April to 31 March inclusive. Data are not available prior to 2002-03.

⁽³⁾ Full-time equivalent figures that have been rounded to the nearest whole number. Because of rounding, there may be an apparent discrepancy between totals and the sums of the constituent items.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0031.htm#08110582000033>

Virendra Sharma [233485]: To ask the Solicitor-General what steps she is taking to improve diversity and equality in the staffing of the Crown Prosecution Service.

Reply from the Solicitor-General: The Crown Prosecution Service (CPS) is implementing a comprehensive set of actions to further improve diversity and equality in employment, building on existing progress. Actions are underway in key areas of staff representation, staff engagement, policy development, staff development and support for staff networks.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081106/text/81106w0001.htm#08110641000013>

New publications

One Year, Ten Stories

<http://www.equalityhumanrights.com/en/publicationsandresources/Documents/Corporate/Oneyear.pdf>

Monitoring the Government's Response to Human Rights Judgments: Annual Report 2008

<http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/173/173.pdf>

Domestic Violence, Forced Marriage and “Honour”-Based Violence: Further Government Response to the Committee’s Sixth Report of Session 2007–08

<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/1165/1165.pdf>

News

Women lose out in race to be an MP

<http://www.independent.co.uk/news/uk/politics/women-lose-out-in-race-to-be-an-mp-994918.html>

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Racism and Religious Hatred

Westminster Parliamentary Question

Lord Laird asked Her Majesty's Government [HL5789]: In the past year, how many persons accused of holocaust denial have been arrested pursuant to an European arrest warrant under Section 21 of the Extradition Act 2003 and discharged by the judge because the charge was incompatible with the person's Convention rights under the Human Rights Act 1998.

Reply from Lord West of Spithead: In the past year, one person has been arrested pursuant to a European arrest warrant accused of racism and xenophobia, and computer-related crime. This case is currently before the courts.

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81103w0004.htm#08110336000010>

News

Clubs angry at sectarian claim

<http://www.thecourier.co.uk/output/2008/11/03/newsstory12189588t0.asp>

Campaign of bigotry hits shocked towns

<http://www.thecourier.co.uk/output/2008/11/05/newsstory12199152t0.asp>

Cops hunt gang of youths after attack on schoolboy

http://www.eveningtimes.co.uk/news/display.var.2465747.0.cops_hunt_gang_of_youths_after_attack_on_schoolboy.php

Mob batter Asian teenager with sticks outside school

<http://www.dailyrecord.co.uk/news/scottish-news/2008/11/06/mob-batter-asian-teenager-with-sticks-outside-school-86908-20872747/>

Trevor Phillips: 'Brilliant as he is, Obama would not have got into Downing Street'

http://www.timesonline.co.uk/tol/life_and_style/men/article5110226.ece

Labour 'racism' would block British Obama, says Trevor Phillips

<http://www.timesonline.co.uk/tol/news/politics/article5110811.ece>

Bias 'would hamper British Obama'

http://news.bbc.co.uk/1/hi/uk_politics/7717149.stm

Labour rejects racism claims

http://news.bbc.co.uk/1/hi/uk_politics/7717149.stm

Labour race row

<http://scotlandonsunday.scotsman.com/latestnews/Labour-race-row.4675497.jp>

Could Britain ever have its own black leader?

<http://www.independent.co.uk/news/uk/politics/could-britain-ever-have-its-own-black-leader-1003949.html>

Black and middle class: now there's a threat

http://www.timesonline.co.uk/tol/comment/columnists/india_knight/article5114565.ece

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Other Holyrood

Ministerial Statement

Public Scrutiny

<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-08/sor1106-02.htm#Col12077>

Press Releases

Free tours announced at Holyrood

<http://www.scottish.parliament.uk/nmCentre/news/news-08/pa08-039.htm>

America elects Obama

<http://www.scotland.gov.uk/News/Releases/2008/11/05081519>

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Other Westminster

Parliamentary Questions

- Mike Penning** [231857]: To ask the Secretary of State for Justice (1) what steps he is taking to ensure the rights of women are protected in the approval by English courts of (a) marriages and (b) divorces completed under Sharia law;
- (2) [231858] what steps he is taking to ensure that English courts have the (a) resources and (b) expertise to exercise proper scrutiny of marriages and divorces completed under Sharia law which come before them;
- (3) [231859] how many consent order forms were issued by his Department for approval by English courts of (a) marriages and (b) divorces completed under Sharia law in each of the last five years; and if he will place in the Library a copy of the necessary form;
- (4) [231860] how many divorces completed under Sharia law and granted consent orders by English courts involved individuals under the age of 18 years in the last 10 years;
- (5) [231900] how many marriages completed under Sharia law were referred to English courts for a consent order in each of the last five years;
- (6) [231901] what estimate he has made of the number of marriages completed under Sharia law which were not referred to English courts for a consent order in each of the last five years;
- (7) [231902] how many marriages completed under Sharia law were (a) granted and (b) denied consent orders by English courts in each of the last five years;
- (8) [231903] how many marriages completed under Sharia law and granted a consent order by English courts involved individuals under the age of 18 years in the last 10 years;
- (9) [231904] what estimate he has made of the number of divorces completed under Sharia law which were not referred to English courts for a consent order in each of the last five years;

Other Westminster Parliamentary Questions (continued)

(10) [231905] how many divorces completed under Sharia law were (a) granted and (b) denied consent orders by English courts in each of the last five years;

(11) [231906] how many divorces completed under Sharia law and granted consent orders by English courts were initiated by (a) women and (b) men in each of the last five years.

Reply from Jack Straw: When a petition for divorce is lodged at a court the court requires information to ascertain that there was a valid marriage between the parties, and the grounds on which a divorce is sought. The religious affiliation of the parties is not included on divorce documents. Hence it is not possible to provide any statistics that relate to the parties' religion.

Marriages conducted in this country under Sharia law are not recognised in England and Wales unless they also comply with the provisions of the Marriage Acts. Therefore "Sharia marriages" are not a legal reality in this country and we cannot obtain statistics for them. We are aware that many Muslim couples undergo both a civil ceremony in a register office and a purely religious ceremony. The former is recognised but the latter is not. Increasing numbers of mosques are registered so that they can offer a joint civil and religious marriage ceremony. Section 55 of the Family Law Act 1986 allows parties to a marriage to apply for an order that their marriage is valid, or to allow "divorced" parties similarly to test the validity of their divorce. This provision is used rarely, and generally to test the validity of marriages contracted abroad and foreign divorces. A sharia marriage contracted in this country which does not comply with Marriage Act requirements would not be validated.

"Sharia divorces" conducted in this country are also unrecognised by the legal system. The English courts do not approve divorces or annulments granted by any faith group, therefore no statistics are available for them. A sharia divorce dissolves the religious "limb" of a marriage but leaves the civil marriage intact. This must be dissolved by a civil divorce. If no civil marriage has taken place then no civil divorce is required.

Consent orders differ widely according to what is required in each case. Therefore there is no standard form for a consent order. In a consent order relating to children the court can, among other things, make orders relating to contact, residence, a requirement that either parent do something or refrain from doing it, an order for expert reports or for contact activities or for review. In financial matters a court can deal with income, capital, pensions, assets and can, among others orders, make periodical payment, secured periodical payment, lump sum or property adjustment orders, pension sharing orders, and asset distribution orders.

The only orders that can be made during an extant marriage are an order for validity of marriage, as described above, or an order for judicial separation, which has similar effects to divorce save that the parties are still regarded as married, albeit legally separated. This type of order is usually used by those with a religious objection to divorce. Neither of these orders is likely to be made by consent.

Consent orders can be applied for following negotiations and an agreement reached by the parties directly, or with the help of lawyers, mediators, or a third party, which might be a Sharia council. Sharia councils operate under the statutory basis of the Arbitration Act 1996, established by the previous Government. The family court would be unable to tell whether an application for a consent order (whether within a divorce or in other proceedings) had been made as the result of negotiations conducted through a Sharia council, by the parties themselves, through mediation or by the intervention of any other third party. Applications for consent orders are generally filed by solicitors. In those circumstances the court

Other Westminster Parliamentary Questions (continued)

can see whether the parties had the 'benefit of legal advice. However, even if lawyers have represented the parties, the court will still check consent orders to ensure that they appear to be within the range of orders that could be made had the matter been adjudicated in court.

There are many forms of alternative dispute resolution available to assist parties to reach an agreement in family cases, but whichever method the parties use; the principles applied by the court are the same. The court cannot simply 'rubber-stamp' an agreement in a family case, whatever the process by which the agreement has been reached, and judges can and do ask for further information where there is any doubt about the propriety of a proposed order.

Any proposed consent order submitted to the court, whether the product of an agreement by the Sharia council or not, might be made by coercion and it is the function of the judiciary to question any order which appears unfair.

An order which on its face involved an undue financial advantage to one party or set out arrangements for children which excluded care by or contact with one parent would be the sort of order which alerts a court to potential coercion and the need to ask for further information and, if appropriate, to refuse to make the order requested.

Court statistics do not include the ages of the parties at the time a consent order is made, although the information is available to the court when considering the terms of the order, and is one of the factors taken into account in making a decision as to the fairness or otherwise of an order. The Office for National Statistics' records show that between 1996 and 2005 only 18 women and no men under the age of 18 were divorced.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081104/text/81104w0018.htm#08110458000059>

Lord Avebury asked Her Majesty's Government [HL5874]: Further to the Written Answer by the Parliamentary Under-Secretary of State at the Ministry of Justice, Bridget Prentice, on 23 October (*Official Report*, House of Commons, 562W), how English courts, when considering a consent order embodying the terms of an agreement reached by the parties to a family dispute in a Sharia court, ensure that it complies with English legal tenets, in particular that women party to such consent orders have freely given their consent.

Reply from Lord Bach: There are two principal types of issue in which consent orders are presented in family cases: (i) orders about residence of and contact with children, and (ii) financial orders following dissolution of a marriage or civil partnership. In each case, the court has an obligation to scrutinise the proposed order to confirm that it complies with the relevant legal principles.

In the case of orders for residence or contact, the court must examine the proposed order in accordance with Section 1 of the Children Act 1989, under which the child's welfare is the paramount consideration. Consent orders for residence and contact are normally made at a hearing at which the parties are present; the practice direction issued by the president in May 2008 provides that such orders should not be made in the absence of the parties unless the court is satisfied that there is no risk of harm to the child.

In the case of financial orders, the court must apply the relevant provisions of the Matrimonial Causes Act 1973 or the Civil Partnership Act 2004 (as appropriate); the parties to a proposed consent order are required to provide details of their financial circumstances and other relevant information to enable the court to consider whether the order satisfies the criteria laid down by statute.

Other Westminster Parliamentary Questions (continued)

There is no visible evidence available to a court that an application for a consent order has been made following negotiations and agreement made by the parties at a Sharia council. Therefore these applications are treated in the same way as any other application within family proceedings.

There are many forms of alternative dispute resolution available to assist parties to reach an agreement in family cases, but whichever method is used by the parties, the principles applied by the court are the same. The court cannot simply “rubber-stamp” an agreement in a family case, whatever the process by which the agreement has been reached, and courts can and do ask for further information where there is any doubt about the propriety of a proposed order. Any order made by consent and submitted to the court, whether the product of an agreement by a Sharia council or not, might be made by coercion and it is the function of the court to question any order which appears unfair.

An order which on its face involved an undue advantage to one party or set out arrangements for contact which excluded care or contact with one parent would be the sort of order which alerts a court to potential coercion and the need to ask for further information and, if appropriate, to refuse to make the order requested.

The statutory basis for any enforcement in the courts of any agreement facilitated by a Sharia council is the Arbitration Act 1996, established by the previous Government. There are no plans to change this.

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81106w0001.htm#08110651000005>

Tim Loughton [232616]: To ask the Secretary of State for Children, Schools and Families (1) for how many children who were (a) white, (b) mixed race, (c) Asian or Asian British, (d) black or black British and (e) of other ethnic groups, it was decided that adoption was in their best interests in each of the last 10 years, broken down by local authority;

(2) [232617] how many children who were (a) white, (b) mixed race, (c) Asian or Asian British, (d) black or black British and (e) of other ethnic groups, were adopted in each of the last 10 years, broken down by local authority.

Reply from Sarah McCarthy-Fry: Information on the date a decision is made that adoption is in the best interest is currently only collected retrospectively for those Looked after Children who are adopted. We currently do not collect information on when the decision is made for those children that are placed for adoption. However we have made a change to our data collection from 2008-09 which will mean from autumn 2009 we are able to provide this information for children when the decision is made, irrespective of whether the adoption has taken place.

Information is published on the number of Looked after Children adopted by local authority. However this cannot be broken down by ethnicity due to data disclosure reasons. The number of children adopted in the year ending 31 March 2007 is just over 3,000. Breaking this down by local authority (see table LAE1) and then again by ethnicity would produce very small numbers and would result in most of the figures being suppressed with a hyphen (-). It may be possible to produce figures by local authority and ethnicity by region but we would be able to provide this only at a disproportionate cost.

The available information by local authority can be found in table LAE1, taken from the Statistical First Release (SFR 27/2007) entitled ‘Children looked after in England (including adoption and care leavers) year ending 31 March 2007’. This shows the number of Looked after Children adopted during the years ending 31 March 2003 to 2007.

Other Westminster Parliamentary Questions (continued)

The SFR is located at: <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000741/index.shtml> and table LAE1 can be found within the second set of Excel tables on the website. This table includes information for the last five years. Information for each of the last 10 years can be provided only at a disproportionate cost.

Information for the year ending 31 March 2008 will be released in our set of additional tables which we are planning to publish in December.

The available information at a National level on characteristics of Looked After Children who are adopted can be found in table E1, taken from the Statistical First Release (SFR 23/2008) entitled; 'Children looked after in England (including adoption and care leavers) year ending 31 March 2008'. This shows the number of Looked after Children adopted during the years ending 31 March 2004 to 2008 by gender, age at adoption, ethnic origin, category of need, final legal status, duration of final period of care and age on starting final period of care.

The SFR is located at: <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000810/index.shtml> and table E1 can be found within the first set of Excel tables on the website.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081103/text/81103w0041.htm#08110419000099>

Lord Taylor of Holbeach asked Her Majesty's Government [HL5734]: Further to the Written Statement by Baroness Andrews on 29 September (*WS 162—63*), how the Homes and Communities Agency will decide in which places people will choose to live; and how it will make this decision on behalf of Gypsies and Travellers.

Reply from Baroness Andrews: The HCA will not decide where people will choose to live. As at present, regional and local authorities will determine what new housing is needed and where it can best be provided through the planning framework. In relation to accommodation for Gypsies and Travellers, regional spatial strategies will set out the number of pitches required in each local planning authority area, with local authorities identifying land in development plan documents sufficient to meet that need.

The HCA's role will be to ensure that the housing targets identified in plans are delivered in a way that creates the kind of communities people want to live in. It will do so either directly, through its funding programmes, the use of surplus public sector land, and the other expertise it can offer, or indirectly, by supporting local authorities, other public sector bodies and private sector partners.

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81103w0004.htm#08110336000018>

Annette Brooke [231005]: To ask the Secretary of State for the Home Department what her policy is on county police forces moving transit Travellers to suitable sites in neighbouring local authorities but within the same police authority.

Reply from Alan Campbell: Government policy on powers to deal with unauthorised encampments by transit Travellers is set out in the "Guide to effective use of enforcement powers" issued in 2006 jointly by the Home Office and the Office of the Deputy Prime Minister.

The Government agree with the conclusions of the Final Report of the Independent Task Group on Site Provision and Enforcement for Gypsies and Travellers published in December 2007 that existing enforcement powers are sufficient, and that the key to effective enforcement is adequate site provision. A change to powers to enable police to move transit Travellers to suitable sites in neighbouring local authorities risks de-incentivising adequate site provision.

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081105/text/81105w0033.htm#08110582000040>

Other Westminster (continued) **News**

Labour victorious in Glenrothes

http://news.bbc.co.uk/1/hi/scotland/edinburgh_and_east/7710999.stm

Labour defy odds to win Glenrothes by-election

<http://www.thecourier.co.uk/output/2008/11/07/newsstory12209426t0.asp>

Parties reflect as dust settles

<http://www.thecourier.co.uk/output/2008/11/07/newsstory12209428t0.asp>

Brown bounces back with Glenrothes win

http://www.theherald.co.uk/news/news/display.var.2466313.0.Brown_bounces_back_with_Glenrothes_win.php

Labour's victory suggests SNP honeymoon may be ending

http://www.theherald.co.uk/politics/news/display.var.2466311.0.Labours_victory_suggests_SNP_honeymoon_may_finally_be_ending.php

Big Glenrothes by-election win for Labour rocks Nationalists

<http://thescotsman.scotsman.com/latestnews/Big-Glenrothes-byelection-win-for.4671257.jp>

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Other News

UKIP rejects BNP electoral offer

http://news.bbc.co.uk/1/hi/uk_politics/7706857.stm

Scottish Islamic foundation Muslim youth survey

<http://scottishislamic.org/index.php?go=news&id=208>

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Bills in Progress

** New or updated this week

Holyrood

Education (Additional Support for Learning) Bill

<http://www.scottish.parliament.uk/s3/bills/16-EdAddSup/index.htm>

Health Boards (Membership and Elections) Bill

<http://www.scottish.parliament.uk/s3/bills/13-HealthBoards/index.htm>

Bills in Progress

Holyrood (continued)

**** Offences (Aggravation by Prejudice) Bill**

<http://www.scottish.parliament.uk/s3/bills/09-AggPrej/index.htm>

Stage 1 evidence from Engender, Rape Crisis Scotland, and Scottish Women's Aid

<http://www.scottish.parliament.uk/s3/committees/equal/or-08/eo08-1502.htm#Col680>

**** Sexual Offences Bill**

<http://www.scottish.parliament.uk/s3/bills/11-sexualOffences/index.htm>

Stage 1 evidence from Children 1st, Children in Scotland, Barnardo's Scotland, Scotland's Commissioner for Children and Young People, and the Scottish Children's Reporter Administration.

<http://www.scottish.parliament.uk/s3/committees/justice/or-08/ju08-2602.htm#Col1252>

Bills in Progress

Westminster

**** Counter-Terrorism Bill**

<http://services.parliament.uk/bills/2007-08/counterterrorism.html>

proposed amendments

<http://www.publications.parliament.uk/pa/ld200708/ldbills/082/amend/ml082-i.htm>

and

<http://www.publications.parliament.uk/pa/ld200708/ldbills/082/amend/su082-ia.htm>

and

<http://www.publications.parliament.uk/pa/ld200708/ldbills/082/amend/su082-ib.htm>

and

<http://www.publications.parliament.uk/pa/ld200708/ldbills/082/amend/su082-ic.htm>

House of Lords consideration of amendments

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81104-0003.htm#08110439000008>

and

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/81104-0007.htm#08110439000009>

Human Fertilisation and Embryology Bill

<http://services.parliament.uk/bills/2007-08/humanfertilisationandembryology.html>

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Consultations (closing date)

**** New or updated this week**

Acquisition and Retention of DNA and Fingerprint Data in Scotland

(21 November 2008)

<http://www.scotland.gov.uk/Resource/Doc/239066/0065846.pdf>

Consultations (continued)

**** UK Equality Bill (25 November 2008)**

The Scottish Parliament Equal Opportunities Committee will take evidence from Vera Baird QC MP, Solicitor General, on the UK Equality Bill and its implications for Scotland, on 2 December 2008. The Bill, which is expected to be introduced to the UK Parliament shortly, aims to “strengthen protection, advance equality and declutter the law”.

The Committee recognises that there is widespread interest in the Bill, and is keen to give key stakeholders an opportunity to submit questions for the Solicitor General. Send questions to equal.opportunities@scottish.parliament.uk by 25 November, keeping them as brief as possible. Note that the Committee cannot guarantee that all questions submitted will be asked.

Religious and Moral Education (30 November 2008)

http://www.ltscotland.org.uk/Images/religious_and_moral_education_outcomes_codes_to_m4-482454.pdf

Online questionnaire

<http://www.ltscotland.org.uk/curriculumforexcellence/onlinesurveys/religiousandmoraleducation.asp>

Religious Education in Roman Catholic Schools (30 November 2008)

http://www.ltscotland.org.uk/Images/religious_education_roman_catholic_outcomes_codes_tcm4-486155.pdf

Online questionnaire

<http://www.ltscotland.org.uk/curriculumforexcellence/onlinesurveys/religiouseducationinroman Catholicschools.asp>

Health in our Multi-ethnic Scotland: Future Research Priorities

(8 December 2008)

<http://www.healthscotland.com/uploads/documents/8248-Report%20-%20Health%20in%20our%20Multi-ethnic%20Scotland.pdf>

The Modern Scottish Jury in Criminal Trials (11 December 2008)

<http://www.scotland.gov.uk/Resource/Doc/238536/0065469.pdf>

Adoptions with a Foreign Element Regulations 2009 (19 December 2008)

<http://www.scotland.gov.uk/Resource/Doc/240124/0066276.pdf>

Monitoring of Cross-border charities (23 December 2008)

<http://www.oscr.org.uk/DocumentViewer.aspx?id=6990ead9-bbfc-427d-9f8c-3f3495363092>

Appendix 1 <http://www.oscr.org.uk/DocumentViewer.aspx?id=0be569cc-6efc-45f9-9829-43a784b3c6b7>

Appendix 2 <http://www.oscr.org.uk/DocumentViewer.aspx?id=11a26977-b23e-4c67-b083-6e3bd00c2d90>

Patients' Rights Bill for users of the NHS in Scotland (16 January 2009)

<http://www.scotland.gov.uk/Resource/Doc/238978/0065812.pdf>

Equality and Human Rights Commission: Strategic plan, Equality Scheme and Grants Programme (7 December)

Consultation guides

<http://www.equalityhumanrights.com/en/policyresearch/consultations/pages/consultation08.aspx>

online consultation <http://equalityhumanrights.dialoguebydesign.net/>

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Job Opportunities

[Click here](#) to find out about job opportunities advertised in MEMO+ Recruitment

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Events/Conferences/Training

** New or updated this week

**** this week!**

Leadership Development Day

12 November 2008 in Glasgow

Radar Disability Network training day designed to help disabled people and those with long-term health conditions realise their leadership potential and thus increase the number of disabled people in positions of leadership and influence around the UK. For information contact Judith Simpson Judith.Simpson@radar.org.uk

Scotland's Migration Challenges: fit for a creative age?

21 November 2008 in Edinburgh (10.00 – 3.00)

Centre for Scottish Public Policy and East of Scotland European Consortium conference to discuss migration challenges Scotland faces with a dual focus on education and skills. For information contact info@cspp.org or see <http://cspp.org.uk/public/Policy/ProgrammesEurope.jsp> or

Statutory Review and Reconsideration Orders: Access to Justice for Asylum Seekers

24 November 2008 in Glasgow (9.30-4.00)

Training event organised jointly by the Glasgow Immigration Practitioners' Group, Scottish Refugee Council, and the Murray Stable. For more information see http://www.scottishrefugeecouncil.org.uk/GILPA_Training_Event or contact train@scottishrefugeecouncil.org.uk

St Andrew's Day anti-racism march and rally

29 November 2008 in Glasgow

March organised by the STUC to celebrate unity and challenge racism and fascism everywhere. For information see <http://www.stuc.org.uk/events/496/st-andrew-s-day-march-and-rally>

**** Scottish Muslim Futures**

30 November 2008 in Glasgow (10.00 – 7.00)

Scottish Islamic Foundation conference to provide a forum for discussion on the present condition of the Muslim community and its future. For information see http://scottishislamic.org/images/events/061108180115_file_01.pdf or contact 0141 890 1120.

Events/Conferences/Training (continued)

Discrimination Law Update

9 December 2008 in Glasgow (10.00 – 1.00)

Legal Services Agency seminar to provide an awareness and understanding of the up-to-date changes in discrimination law, consider the impact of these changes and how to apply those changes in the workplace, and consider any forthcoming changes to the law. For information see <http://www.lsa.org.uk/discriminationlawupdate.aspx> or contact 0141 353 3354.

Scottish Refugee Council AGM

15 January 2009 in Glasgow

For information contact Graeme Corbett 0141 248 9799 / graeme.corbett@scottishrefugeecouncil.org.uk

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Useful Links

Scottish Parliament <http://www.scottish.parliament.uk/home.htm>

Scottish Government <http://www.scotland.gov.uk/Home>

Westminster Parliament <http://www.parliament.uk/>

Directgov (links to UK Government Departments)

http://www.direct.gov.uk/DI1/Directories/AToZOfCentralGovernment/fs/en?CONTENT_ID=10013528&chk=8b2gQw

European Parliament <http://www.europarl.eu.int/parliament/public.do?language=en>

One Scotland Many Cultures <http://www.scotlandagainstracism.com/>

Scottish Refugee Council www.scottishrefugeecouncil.org.uk

Scottish Inter Faith Council <http://www.scottishinterfaithcouncil.org/>

Equality and Human Rights Commission

<http://www.equalityhumanrights.com/en/Pages/default.aspx>

Scotland Helpline 0845 604 5510

ACAS www.acas.org.uk

SCVO <http://www.scvo.org.uk/scvo/Home/Home.aspx>

Volunteer Development Scotland www.vds.org.uk

Social Economy Scotland <http://www.socialeconomyscotland.info/content/index.asp>

Office of the Scottish Charity Regulator (OSCR) <http://www.oscr.org.uk/Index.stm>

Central Registered Body for Scotland (CRBS) <http://www.crbs.org.uk/>

Useful Links (continued)

Disclosure Scotland <http://www.disclosurescotland.co.uk/>

BBC News24 <http://news.bbc.co.uk/1/hi/default.stm>

BBC Parliament online
http://news.bbc.co.uk/1/hi/programmes/bbc_parliament/default.stm

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The **Scottish Council of Jewish Communities** is the representative body of all the Jewish communities in Scotland. It advances public understanding about the Jewish religion, culture and community, and also works in partnership with other organisations to promote good relations and understanding among community groups and to promote equality. <http://www.scojec.org/>



BEMIS is the umbrella body for ethnic minority organisations in Scotland. It aims to strengthen the capacity of the ethnic minority voluntary sector; raise the profile and coordinate the voice of this sector; and take a lead on policy issues to ensure that issues of concern are raised with government and other relevant bodies.

<http://www.bemis.org.uk/index.html>



The **Scottish Government** is committed to promoting equality of opportunity and social justice for all those who live in Scotland. **One Scotland** is the Scottish Government campaign designed to tackle racism. It aims to raise awareness of racist attitudes, highlight its negative impact and recognise the valuable contributions that other cultures have made to our society – and make Scotland no place for racism.

<http://www.scotlandagainstracism.com/>